

BEFORE
THE PUBLIC SERVICE COMMISSION
OF SOUTH CAROLINA
DOCKET NO. 2019-51-E

IN RE:)	
Request of Eastover Solar LLC for)	
Modification of Interconnection Agreement)	MOTION TO MAINTAIN
with South Carolina Electric & Gas Company)	STATUS QUO
)	
)	
)	
Movant,)	

1. Eastover Solar LLC (hereinafter as, “Eastover Solar”) is a Delaware LLC, domesticated to conduct business in South Carolina and located in Richland County, South Carolina. Eastover Solar is a party to that certain Interconnection Agreement, dated November 13, 2018, between South Carolina Electric & Gas Company, (hereinafter as, “SCE&G”) and Eastover Solar (hereinafter as, the “IA”).

2. The IA contains milestones for a number of payments that are to be made by Eastover Solar to SCE&G for the design and construction of facilities required to connect Eastover Solar to SCE&G’s transmission grid. The first of these milestones is due January 29, 2019, (“Milestone Payment #1”). As of the date of this filing, Milestone Payment #1 is not yet due and payable and other milestones are not yet due.

3. The IA also contains a number of detailed and complex provisions relating to SCE&G’s ability to curtail the delivery of electricity from Eastover Solar to the grid. During periods of curtailment, the project would not be permitted to put power onto the grid and would not be compensated for the energy and capacity it would otherwise be delivering to SCE&G. Project revenues will be reduced in direct proportion to the amount of curtailment. SCE&G has not published or obtained Commission approval of protocols governing how SCE&G will conduct curtailment of third-party generation resources, nor has it provided any estimates of how frequently it might curtail the output of Eastover Solar over the life of the project. As a result, Eastover Solar cannot reliably estimate the revenues it will receive from electricity sale and Eastover Solar has therefore found it difficult to secure financing to construct its planned facility.

4. In light of the uncertainty created by the absence of clear curtailment protocols, and the resulting inability of Eastover Solar to secure financing, it is unreasonable to require Eastover Solar to make a substantial payment under the IA.

5. A stakeholder process has recently been established to provide greater clarity and resolve potential disagreements about curtailment by SCE&G under its agreements with interconnection customers such as Eastover Solar. The stakeholder process, to be facilitated by ORS, is memorialized in a Settlement Agreement¹ dated November 30, 2018, between SCE&G, Dominion Energy, Inc. and SCSBA, on page 6 in paragraph (3)(B)(i), (the applicable language is incorporated herein by reference, as if set forth verbatim).

6. In light of the foregoing, and consistent with Eastover Solar's Request for Modification, Eastover Solar should not be required to comply with any milestone, or to make any milestone payments under the IA, unless and until SCE&G has, after completing the stakeholder process described herein, filed and obtained this Commission's approval of appropriate curtailment protocols.

7. There will be no harm to SCE&G, other parties, or the public interest by delaying Eastover Solar's milestone payments.

WHEREFORE, consistent with Eastover Solar's Request for Modification filed concurrently, Eastover Solar hereby moves the Commission to maintain the status quo between Movant and SCE&G, effective as of the date of this filing and going forward, and such that no milestones, nor any payments become due and payable until thirty (30) days after the Commission has approved curtailment protocols filed by SCE&G after the conclusion of the stakeholder process described.

[Signature Page Follows]

¹ The Settlement Agreement was approved by this Commission on December 21, 2018, in Order No. 2018-804, in Docket 2017-370-E.

This 24th day of January, 2019.

January 24, 2019
Columbia, South Carolina

Respectfully Submitted,

/s/Richard L. Whitt,

Richard L. Whitt,
RLWhitt@AustinRogersPA.com
AUSTIN & ROGERS, P.A.,
508 Hampton Street, Suite 203
Columbia, South Carolina 29201
(803) 251-7442
As Counsel for Eastover Solar LLC.